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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,627

07/11/2006

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87691 knm

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EXAMINER

NAHAR, QAMRUN

ART UNIT

PAPER NUMBER

2191

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,627	Applicant(s) VAU ET AL.	
	Examiner QAMRUN NAHAR	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/11/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-18 have been examined.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It does not identify the citizenship of each inventor.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either an application data sheet or supplemental oath or declaration.

Claim Objections

. Claims 16-18 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to claims in the alternative. See MPEP § 608.01(n).
Accordingly, the claims are not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansson (U.S. 6,023,620).

Per Claim 1:

The Hansson patent discloses:

- a) automatically send from an applications server (20) to the terminal (10) a digital data medium (31) containing the programming agent (36), based on the digital data of a first message initially sent from the terminal to said applications server (“...Referring now to FIG. 1, there is illustrated an apparatus for remotely downloading software into a cellular telephone. An update server processor 100 communicates with a cellular telephone network 120 which in turn provides wireless communication to a cellular telephone 110. ...” in column 2, lines 7-10)
- b) automatically extract, from the terminal (10), the programming agent (36) from the digital data media (31); c) automatically save the programming agent in the terminal (“...The update server processor 100 contains the new version of the software and controls the process for downloading the new software into the cellular telephone 110. ... When a new version of the software is available, the update server processor 100 transmits a message via the cellular telephone network 120 to the cellular telephone 110 offering the option to download the new version of the software. ...” in column 2, lines 10-15 and lines 40-45).

Per Claim 2:

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The Hansson patent discloses:

- characterized in that the digital data medium (31) is a multimedia message of MMS type capable of containing image, text, sound and programming code data (column 2, lines 56-60).

Per Claim 3:

The Hansson patent discloses:

- characterized in that the first message is preferably an SMS type text message (column 4, lines 16-26).

Per Claim 4:

The Hansson patent discloses:

- characterized in that it also comprises a step of automatically displaying the programming agent (36) in an identified format, such as alphanumeric, or such as an icon (column 3, lines 25-40).

Per Claim 5:

The Hansson patent discloses:

- characterized in that the programming agent (36) is an encoded application program, placed in the digital data medium (31) (column 4, lines 27-31).

Per Claim 6:

The Hansson patent discloses:

- characterized in that a payment request for sending the digital data medium (31) containing the programming agent (36) to the terminal (10) is performed automatically, before the sending of said data medium to said terminal (10), said payment request being integrated into an automatic payment procedure like for example SMS/MMS Premium (column 4, lines 16-26).

Per Claim 7:

The Hansson patent discloses:

- characterized in that it also comprises a step of activation of the programming agent, to automatically perform the application corresponding with the encoded program (column 2, lines 41-55).

Per Claim 8:

The Hansson patent discloses:

- characterized in that the activation of the programming agent performs an automatic formatting, for example of an electronic postcard (column 2, lines 7-15).

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Per Claim 9:

The Hansson patent discloses:

- characterized in that after the step of reception in the terminal (10) of the digital data medium (31) containing the programming agent (36), the digital data medium containing the programming agent is sent to at least a second terminal (18, 19) (column 2, lines 8-15).

Per Claim 10:

The Hansson patent discloses:

- characterized in that the code data of the programming agent (36) are automatically destroyed when the programming agent is deactivated (column 2, lines 40-48).

Per Claim 11:

The Hansson patent discloses:

- characterized in that the code data of the programming agent (36) are kept for a preset period, and automatically destroyed at the end of the preset period (column 2, lines 50-58).

Per Claim 12:

The Hansson patent discloses:

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- characterized in that the preset period is included in the encoded data of the programming agent (36) (column 2, lines 41-45).

Per Claim 13:

The Hansson patent discloses:

- characterized in that the code data of the programming agent (36) are automatically destroyed after a preset number of activations of the programming agent (36) (column 2, lines 50-58).

Per Claim 14:

The Hansson patent discloses:

- characterized in that a request for executing imaging work is sent from the terminal (10) to a platform for executing imaging work (30, 40) capable of communicating with the terminal (10) (column 2, lines 7-15).

Per Claim 15:

The Hansson patent discloses:

- characterized in that the platform for executing photographic work is a photographic laboratory (30) or kiosk (40) (column 3, lines 60-65).

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Conclusion

Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Qamrun Nahar/
Qamrun Nahar
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